IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

THURSDAY, THE 19TH JULY 2007 / 28TH ASHADHA 1929

WP(C).No. 17723 of 2005(I)
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PETITIONER:
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C.K. CHANDRASEKHARAN, S/O. KRISHNAN
CHERINKAL VEEDU, KALLINKAL CHIRA,
PATTANCHERY P.O., CHITTUR TALUK,
PALAKKAD DISTRICT.

BY ADV. SRI.H.BADARUDDIN
SMT.AYSHA RAHMAN

RESPONDENTS:
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1. THE CHITTUR PRIMARY CO-OPERATIVE
AGRICULTURAL AND RURAL DEVELOPMENT BANK LTD.,
NO.P.619, CHITTUR P.O., PALAKKAD DISTRICT
REPRESENTED BY ITS SECRETARY.

2. THE SALE OFFICER, CHITTUR PRIMARY
CO-OPERATIVE AGRICULTURAL AND RURAL DEVELOPMENT
BANK LTD.NO.P.619, CHITTUR P.O.

3. THE JOINT REGISTRAR OF CO-OPERATIVE
SOCIETIES, PALAKKAD.

BY ADV. SRI.GEORGE POONTHOTTAM
SMT. K.R. DEEPA, GOVERNMENT PLEADER

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 19/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

**APPENDIX**

PETITIONER'S EXHIBITS:

EXT.P1: TRUE COPY OF THE PASS BOOK ARMI 51 DATED 23.11.1992.

EXT.P2: TRUE COPY OF PASS BOOK ARMI 59 LOAN NO. 129 MEMBERSHIP NO. 2792 DATED 23.11.1992.

EXT.P3: TRUE COPY OF PASS BOOK ARFM 52 MEMBERSHIP NO.2792 DATED 23.11.1992.

EXT.P4 SERIES: TRUE COPY OF THE RECEIPTS NO. 37 DATED 27.02.1996 & 09.4.96 ISSUED BY R1.

EXT.P5: TRUE COPY OF REPRESENTATION MADE BY THE PETITIONER BEFORE THE R3 DATED 10.04.1996.

EXT.P6: TRUE COPY OF THE DEMAND NOTICE DATED 07.5.2005 ISSUED BY R2.

EXT.P7: TRUE COPY OF THE REPRESENTATION FROM PETITIONER TO R1.

EXT.P8: TRUE COPY OF GUIDELINES OF OTS.

EXT.P9: TRUE COPY OF THE INTERIM ORDER DATED 14.6.2005 IN W.P.(C) NO. 17723/2005 BY THIS COURT.

EXT.P10: TRUE COPY OF THE ARBITRATION CASE FILED BY THE PETITIONER DURING THE PENDENCY OF THE WRIT PETITION BEFORE THE 3RD RESPONDENT.

EXT.P11: TRUE COPY OF THE LETTER DATED 18.07.2005.

RESPONDENTS' EXHIBITS: NIL

/True Copy/

P.A to Judge.

KURIAN JOSEPH , J

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W.P.(C) NO. 17723 OF 2005

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Dated this the 19th day of July, 2007.

**JUDGMENT**

The petitioner approached this Court with certain grievances regarding the recovery proceedings initiated against him. This court granted stay on condition of payment of Rs.1,00,000/- per month. It is submitted that the condition has not been complied with. In the meanwhile the petitioner has filed Ext.P10 before the 3rd respondent informing the petitioner as per Ext.P11 that since the interim order has not been complied with, no action can be taken on Ext.P10. I am afraid the stand cannot be appreciated. This Court made it clear that in case the deposit is not made the stay would stand automatically vacated. Therefore, the interim order need not stand in the way of the 3rd respondent considering Ext.P10. I set aside Ext.P11. There will be a direction to the 3rd respondent to look into Ext.P10 with notice to the petitioner and 1st respondent and appropriate action, in accordance with law, will be taken within a period of four months from the date of production of a copy of this judgment.

The writ petition is disposed of accordingly.

**KURIAN JOSEPH, JUDGE.**

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